

ORDINANCE NO. 681

AN ORDINANCE REGULATING THE ESTABLISHMENT AND MAINTENANCE OF JUNKYARDS; PROVIDING FOR LICENSING OF JUNKYARDS; ESTABLISHING MINIMUM REQUIREMENTS FOR THE ESTABLISHMENT OR MAINTENANCE OF JUNKYARDS; PROVIDING FOR THE INSPECTION BY THE TOWNSHIP SUPERVISORS AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Winfield Township, Butler County, Pennsylvania, and it is hereby enacted and ordained by and with the authority of the same as provided for in Section 702 the Act of May 1, 1933, P.L. Law 103, as amended.

SECTION I: Definition

- a. A "junkyard", for purposes of this ordinance, shall be considered any outdoor area of any property on which more than four (4) motor vehicles not in operating condition or without current license plates are located, or any area of any property exceeding seven hundred fifty (750) square feet on the ground used for storing or collecting discarded household appliances or other used materials.
- b. Vehicles stored completely under a tarpaulin or within a structure and farm equipment stored outside on a working farm shall be excluded from this definition. The term "inspector" means the Board of Township Supervisors as a group or any of them or an officially designated agent acting individually as authorized by the Board.

SECTION II: Status of Junkyards

Existing junkyards may remain in place as long as licensed but if discontinued for a period of at least two (2) years may not be reestablished. The properties containing junkyards may be sold without affecting the status of the junkyard. No expansion of any existing junkyard will be permitted. No new junkyards may be established in Winfield Township, except as allowed after approval of a conditional

use in the limited Manufacturing Zone District, and no properties may contain more than one (1) junkyard. Where properties contain several areas on which junk is stored at the time of the initial inspection, such areas shall be consolidated into one (1) area before the first license can be issued.

SECTION III: Licensing

Each junkyard shall be licensed annually on or before the anniversary of the previous license after inspection by the Board of Supervisors or one of them appointed by the Board or an officially designated agent. A fee of \$10.00 shall be paid to the Township in advance as an application for inspection. The Board shall cause to have made an inventory of all junkyards in the Township prior to the initial licensing. Owners of junkyards who fail to apply for or secure a license shall within two (2) years after adoption of this ordinance remove the junkyard. The Board of Supervisors may commence proceedings before the District Magistrate at the conclusion of the two (2) year period if the junkyard is not removed. The Board may, at its option, have the junkyard removed and lien the property for the costs involved.

SECTION IV: Conditions of Licensing

The inspector shall determine that the following conditions have been met before issuing a license:

- a. there is no evidence of vermin present and no pools of standing, stagnant water or evidence of contaminated run-off;
- b. there is no evidence of materials from the junkyard burning or having been burned in or near the junkyard;
- c. doors of refrigerators have been removed and any other hazardous condition that may be construed as an attractive nuisance is not present;
- d. required screening is in place;
- e. the area occupied by the junkyard does not exceed the requirements of this ordinance;

- f. there is no more than one (1) junkyard on any one (1) property, construed as being all contiguous land area in the same ownership;
- g. there is evidence of ownership of each and every motor vehicle stored in the junkyard, either from titles in the possession of the yard owner or bills of sale;
- h. no other activities in connection with the junkyard operation are occurring that are detrimental to the public health and safety.

If all conditions have been met, the inspector may issue the license. If not he shall order the correction of deficiencies within sixty (60) days, after which the junkyard owner will be subject to action brought by the Board of Supervisors before the District Magistrate who may levy a fine of not less than \$10.00 per day for each day the deficiency or deficiencies remain uncorrected or may order the junkyard removed within six (6) months at the owner's expense. Each deficiency may be considered a separate offense. The owner of the junkyard may appeal the inspector's ruling declaring a deficiency by appearing before the Board of Supervisors at its next regular or special advertised meeting to ask for review of the inspector's ruling. The Board may uphold or overturn the inspector's ruling based on the evidence presented.

SECTION V: Fencing, Screening, and Separation

Each junkyard shall be surrounded by a tight evergreen hedge, or a fence, either chain-link or solid wood, metal or masonry not less than five (5) feet in height. One or more sides of the junkyard may be a building or other enclosed structure. Where natural topography or stands of evergreen trees lie between the junkyard and an abutting property or public street, the Board of Supervisors may dismiss the requirement for a fence provided the junkyard is not closer than two hundred (200) feet to an abutting property or public street. However, the inspector may require in a later year that a junkyard be fenced if development on an adjacent property results in the junkyard becoming visible from the new development.

SECTION VI: Prohibited Activities

No burning of discarded materials or processing by crushing, baling, or reduction of metal may be performed in any junkyard. However, the temporary use of a mobile crusher on a lot to process derelict vehicles or other metal objects for removal shall not be prohibited.

SECTION VII: Revocation of License

Any resident of Winfield Township may appear before the Board of Supervisors at a regular meeting with evidence to support the fact that a junkyard is operating in violation of the conditions of its license. The inspector shall within thirty (30) days thereafter verify or dismiss the alleged violation and if verifying the evidence shall order the correction of the violation within sixty (60) days after the inspection. If the violation is not corrected within the time limit, the Board may proceed before the District Magistrate as for said violations.

SECTION VIII: Severability Clause

The provisions of this Ordinance are severable, and if any section, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional, the decision of the Court shall not affect or impair any of the remaining sections, clauses, sentences, parts, or provisions thereof had not been included therein, and the decision of the Court shall not affect or impair any of the remaining sections, clauses, sentences, parts, or provisions of this Ordinance.

ORDAINED AND ENACTED into an Ordinance this 27 day of

August, 1981.

WINFIELD TOWNSHIP SUPERVISORS

Attest:

Margaret McCracken
Secretary

Richard A. Vandame
Chairman